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21 UNITED STATES DISTRICT COURT
22 SOUTHERN DISTRICT OF CALIFORNIA

23 **ViaSat, Inc.,**

24 *a Delaware corporation,*

25 Plaintiff

26 and Counter Defendant,

27 v.

28 **Acacia Communications, Inc.,**

a Delaware corporation,

Defendant

and Counter Claimant.

Case No. 3:16-cv-00463-BEN-JMA

**DECLARATION OF HUNTER D.
KEETON IN SUPPORT OF
ACACIA COMMUNICATIONS,
INC.'S *EX PARTE* APPLICATION**

Judge: Hon. Roger T. Benitez

Mag. Judge: Hon. Jan M. Adler

**NO ORAL ARGUMENT
MOTION UNDER SUBMISSION**

1 I, Hunter D. Keeton, declare:

2 1. I am an attorney licensed to practice in the Commonwealth of
3 Massachusetts and counsel at the law firm of Wolf, Greenfield & Sacks P.C., which
4 represents Defendant and Counter Claimant Acacia Communications, Inc. (“Acacia”)
5 in the above-referenced action filed by Plaintiff and Counter Defendant ViaSat, Inc.
6 (“ViaSat”). I have been admitted *pro hac vice* in this matter. I make this declaration in
7 support of Acacia’s *Ex Parte* Application for an Order Clarifying the Page Count
8 Related to ViaSat’s February 2d, 2018 Motion Papers, or in the Alternative for an
9 Order Granting Acacia Leave To File Oppositions with Additional Pages. I am
10 familiar with the facts set forth in this Declaration and could testify competently to
11 their truth if called as a witness.

12 2. I spoke with Amy Bailey, counsel for ViaSat, on February 6, 2018. I
13 informed counsel that ViaSat’s Memoranda filed on February 2, 2018 appeared to be
14 in excess of the page limits under Civil Local Rule 7.1(h), and that ViaSat had failed to
15 seek leave of the Court to file the excess pages. Ms. Bailey did not indicate that ViaSat
16 would be withdrawing its Memoranda or the pages in excess of 25.

17 3. I informed Ms. Bailey that Acacia would file an *ex parte* application
18 seeking clarification from the Court regarding whether Acacia’s Oppositions are
19 limited to a combined total of 25 pages per Local Rule 7.1(h).

20 4. I also informed Ms. Bailey that Acacia would ask the Court, in the
21 alternative, for an Order permitting Acacia additional pages to respond to ViaSat’s
22 Memoranda, should the Court indicate that they were acceptable. Ms. Bailey indicated
23 that ViaSat did not at that point have a position as to whether it would object to that
24 request.

25 I declare under penalty of perjury that the foregoing is true and correct to the
26 best of my knowledge and belief.

27 Date: February 6, 2018

By: s/Hunter D. Keeton

Hunter D. Keeton

CERTIFICATE OF SERVICE

I certify that today I am causing to be served the foregoing document by CM/ECF notice of electronic filing upon the parties and counsel registered as CM/ECF Users. I further certify that, to the extent they are not registered CM/ECF Users, I am causing the foregoing document to be served by electronic means via email upon counsel for ViaSat, Inc., per the agreement of counsel.

Date: February 6, 2018

s/Michael A. Albert

Michael A. Albert